



Balon B. Bradley L A W F I R M

August 12, 2014

VIA E-FILEING

The Honorable Jane J. Boyle
U.S. District Court for the Northern District of Texas
1100 Commerce Street, Room 1376
Dallas, TX 75242

Re: *Phillips v. Texas Industries, Inc., et al.*, 3:14-cv-00740-B

Dear Judge Boyle:

We represent plaintiff in the above captioned action. We are pleased to report that this litigation has been resolved in principle as set forth and subject to the terms and conditions in the enclosed Memorandum of Understanding ("MOU"). Pursuant to the MOU, the parties are scheduling confirmatory discovery and if satisfactory will be preparing final settlement papers to submit to the Court as soon as practicable. Also, the parties have agreed, as set forth in the MOU, that all proceedings in this litigation should be stayed pending completion of the settlement-related proceedings.

We are also in receipt of Your Honor's Order To Show Cause entered on August 8, 2014 (Dkt. No. 5) (the "OSC"). Defendants had previously agreed to accept service and we expect waivers of service to be filed within 15 days.

Accordingly, plaintiff respectfully requests that the OSC be vacated and that all proceedings in this litigation except for those related to the settlement be stayed while they complete confirmatory discovery and the documentation of the settlement, including a formal stipulation of settlement and such other documents as may be necessary to obtain final approval of the settlement and dismissal of the above captioned action with prejudice, and submit those documents to the Court for approval. If the Court wishes the parties to submit a separate stipulation seeking to stay all proceedings, please so advise us.

Please do not hesitate to contact us if you have any questions.

Respectfully submitted,

/s/ Balon B. Bradley

Balon B. Bradley

Encl. MOU

cc: Juan E. Monteverde
Michael A. Swartzendruber
Rachelle Silverberg

Sandra C. Goldstein
Bruce W. Collins
Grant R. Mainland